

EXHIBIT 4

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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 WAYMO LLC

14 Plaintiffs,

15 v.

16 UBER TECHNOLOGIES, INC.;
17 OTTOMOTTO, LLC; OTTO TRUCKING
18 LLC,

19 Defendants.

Case No. 17-cv-00939-JCS

**PLAINTIFF'S RESPONSES AND
OBJECTIONS TO DEFENDANT UBER
TECHNOLOGIES, INC. AND
OTTOMOTTO LLC'S FIFTH SET OF
REQUESTS FOR ADMISSION (NOS. 37-
45)**

1 Pursuant to Rule 36 of the Federal Rules of Civil Procedure, Plaintiff Waymo LLC
2 (“Waymo”) hereby responds and objects to Defendant Uber Technologies, Inc. (“Uber”) and
3 Ottomotto LLC’s (“Ottomotto”) Fifth Set of Requests for Admission (Nos. 37-45). These
4 responses and objections are made based on its current understanding and on information
5 reasonably available to Waymo at the present time. Waymo reserves the right to supplement these
6 responses if and when additional information becomes available.

7 **GENERAL OBJECTIONS**

8 Waymo makes the following General Objections, whether or not separately set forth in
9 response, to each and every instruction, definition, and question posed in the interrogatories. By
10 responding to any of the requests or failing to specifically refer to or specify any particular
11 General Objection in response to a particular request, Waymo does not waive any of these General
12 Objections, or admit or concede the appropriateness of any purported request or any assumptions
13 contained therein.

14 1. Waymo objects to each request, and to the Definitions and Instructions, to the
15 extent that they purport to impose any obligations upon Waymo beyond the Federal Rules of Civil
16 Procedure, the Local Rules of the United States District Court for the Northern District of
17 California, and the Supplemental Order to Order Setting Initial Case Management Conference in
18 Civil Cases Before Judge William Alsup.

19 2. Waymo objects to the definitions of “Waymo,” “Plaintiff,” “You,” and “Your” on
20 the grounds the definitions are overbroad, unduly burdensome, and vague, including, but not
21 limited to, the extent that they include Alphabet Inc. or any Waymo subsidiary, subcontractor,
22 partnership, joint venture, or other business cooperation involving Waymo LLC, Google Inc.,
23 and/or Alphabet Inc., the present and former officers, directors, employees, agents,
24 representatives, accountants, financial advisors, consultants, and attorneys or other persons owned
25 or controlled by Waymo LLC, Google Inc., and/or Alphabet Inc., regardless of their affiliation or
26 employment.

1 3. Waymo objects to each request to the extent that they seek information protected
2 by the attorney-client privilege or the work product doctrine or that is otherwise privileged or
3 protected from discovery.

4 4. Waymo objects to each request to the extent that they seek information that is not
5 relevant to a claim or defense of any party or to the subject matter of this action and is not
6 proportional to the needs of the case, considering the importance of the issues at stake in the
7 action, the amount in controversy, the parties' relative access to relevant information, the parties'
8 resources, the importance of the discovery in resolving the issues, and whether the burden or
9 expense of the proposed discovery outweighs its likely benefit.

10 5. Waymo objects to each request to the extent that they are overbroad, unduly
11 burdensome, vague, and/or ambiguous.

12 6. Waymo objects to each request to the extent that they seek information that does
13 not already exist, or that is not in Waymo's possession, custody, or control.

14 7. Waymo objects to each request to the extent that they require Waymo to provide
15 information beyond what is available to Waymo at present from a reasonable search of its own
16 files likely to contain relevant or responsive documents and from a reasonable inquiry of its
17 present employees.

18 8. Waymo objects to each request to the extent that they seek confidential or
19 proprietary information, including without limitation, confidential business information,
20 proprietary and/or competitively sensitive information, or trade secrets. Subject to its other
21 General Objections, and to any specific objections set forth below, Waymo will only provide
22 relevant information in a manner consistent with the Protective Order entered by the Court in this
23 matter.

24 9. Waymo objects to each request to the extent that they seek information that Waymo
25 is not permitted to disclose pursuant to confidentiality obligations or agreements with third parties.

26 10. Waymo objects to each request to the extent that they are unlimited in time or
27 otherwise not limited to a time frame relevant to this litigation and to the patents-in-suit, and
28 therefore burdensome, oppressive, overly broad, and not proportional to the needs of the case.

1 11. Waymo objects to each and every request to the extent that they call for a legal
2 conclusion.

3 12. Waymo objects to each and every request to the extent that they call for responses
4 that are the subject of expert testimony. Waymo will provide its expert reports pursuant to
5 deadlines to be set by the Court for the exchange of such reports and will supplement or amend
6 those reports as appropriate and as permitted by the Court.

7 13. Waymo objects to each and every request to the extent that they call for
8 information that is publicly available and therefore as accessible to Defendants as to Waymo.

9 14. Waymo objects to these requests to the extent that they are premature. Discovery is
10 ongoing and Waymo has not yet completed its investigation of the matters at issue in this action.
11 Waymo reserves the right to modify, supplement, change or amend its responses once Waymo has
12 conducted the necessary discovery and investigation.

13 15. Waymo responds to each and every request based on its knowledge, information
14 and belief based on its investigation as of the date of the response; however, Waymo's
15 investigation into the issues of this action remains ongoing. Waymo reserves the right to
16 supplement or amend its responses without prejudice pursuant to Rule 26(e).

17 16. Waymo's responses are not to be construed as an admission that any of the
18 requested information exists, that any information is admissible, relevant or proportional to the
19 needs of the case, or that any contention or assumption contained in the interrogatories, whether
20 implicit or explicit, is correct.

21 17. Waymo incorporates by reference its General Objections in each of the specific
22 responses set forth below.

23 **REQUESTS FOR ADMISSION**

24
25 **REQUEST FOR ADMISSION NO. 37:**

26 Admit that You have not sued or brought claims against Anthony Levandowski for
27 misappropriation of trade secrets.
28

1 **RESPONSE TO REQUEST FOR ADMISSION NO. 37:**

2 Subject to and without waiving its objections, Waymo responds as follows:

3 Admitted.

4
5 **REQUEST FOR ADMISSION NO. 38:**

6 Admit that You have not lost any profits related to the trade secrets and patented
7 technology that You have asserted in this case.

8
9 **RESPONSE TO REQUEST FOR ADMISSION NO. 38:**

10 Subject to and without waiving its objections, Waymo responds as follows:

11 Admitted.

12
13 **REQUEST FOR ADMISSION NO. 39:**

14 Admit that Lyft, Inc. hired Luc Vincent, a former Google employee, to work on Lyft,
15 Inc.'s autonomous vehicle development.

16
17 **RESPONSE TO REQUEST FOR ADMISSION NO. 39:**

18 Subject to and without waiving its objections, Waymo responds as follows:

19 Admitted.

20
21 **REQUEST FOR ADMISSION NO. 40:**

22 Admit that after Anthony Levandowski signed his employment agreement with Uber in
23 August 2016 (UBER00017083), he did not download any files from Waymo or Google.

24
25 **RESPONSE TO REQUEST FOR ADMISSION NO. 40:**

26 Subject to and without waiving its objections, Waymo responds as follows:

27 Waymo lacks sufficient knowledge to either admit or deny, and on that basis: denied.

28

1 **REQUEST FOR ADMISSION NO. 41:**

2 Admit that the Documents produced by Plaintiff bates-labeled WAYMO-UBER-000000001
3 - WAYMO-UBER-00031430 are true, correct, and genuine copies of what they purport to be.
4

5 **RESPONSE TO REQUEST FOR ADMISSION NO. 41:**

6 Subject to and without waiving its objections, Waymo responds as follows:

7 Admitted.
8

9 **REQUEST FOR ADMISSION NO. 42:**

10 Admit that Google has included indemnification provisions in contracts where Google was
11 buying all or part of a company and agreed as part of the deal to indemnify some or all of the
12 sellers.
13

14 **RESPONSE TO REQUEST FOR ADMISSION NO. 42:**

15 Subject to and without waiving its objections, Waymo responds as follows:

16 Admitted to the extent that Google has included some form of indemnification provisions
17 in contracts where Google was buying all or part of a company; however, Google has never
18 included a contractual provision indemnifying a seller for “bad acts” such as misappropriation of
19 trade secrets.
20

21 **REQUEST FOR ADMISSION NO. 43:**

22 Admit that during its on-site inspections at Uber, Waymo found no evidence that Uber has
23 misappropriated Google or Waymo trade secrets.
24

25 **RESPONSE TO REQUEST FOR ADMISSION NO. 43:**

26 Subject to and without waiving its objections, Waymo responds as follows:

27 Denied.
28

1 **REQUEST FOR ADMISSION NO. 44:**

2 Admit that autonomous aircraft for transporting 1 or 2 people across short distances are
3 competitive with autonomous ground vehicles.
4

5 **RESPONSE TO REQUEST FOR ADMISSION NO. 44:**

6 Waymo specifically objects on the grounds that “competitive” is vague and ambiguous.
7 Subject to its specific objection and without waiving its general objections, Waymo responds as
8 follows:

9 Denied.
10

11 **REQUEST FOR ADMISSION NO. 45:**

12 Admit that the document produced by Waymo bates labeled WAYMO-UBER-00004175 -
13 WAYMO-UBER-00004194 is a true, correct, and genuine copy of a Google/Waymo powerpoint
14 presentation.
15

16 **RESPONSE TO REQUEST FOR ADMISSION NO. 45:**

17 Subject to and without waiving its objections, Waymo responds as follows:

18 Admitted.
19

20 DATED: August 24, 2017

QUINN EMANUEL URQUHART & SULLIVAN,
LLP

21
22 By /s/ Charles K. Verhoeven

Charles K. Verhoeven

23 Attorneys for WAYMO LLC
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